

### **REMARKS**

These remarks are responsive to the Office Action dated November 13, 2003. All of the pending claims 1-35 stand rejected. The Office Action formally has two rejections. First, the Office Action rejects claims 1-9 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,574,630 issued to Augustine et al. (hereinafter referred to as "Augustine") in view of United States patent number 5,935,211 issued to Osterman (hereinafter referred to as "Osterman"). Second, the Office Action rejects claims 10-18 under 35 U.S.C. 103(a) as being unpatentable over Augustine in view of Osterman, and further in view of United States patent number 6,070,184 issued to Blount et al. (hereinafter referred to as "Blount").

Each of the rejections relies on the effectiveness of Augustine et al. as a reference. Absent any presentation of evidence from the inventors, the date of invention of this patent application is assumed to be the date of filing, which is October 4, 2000. Under such an assumption, Augustine et al. qualifies as prior art under 35 U.S.C. § 102(e) since Augustine was filed on August 16, 2000. Furthermore, since Augustine is a Continuation-In-Part of another application filed January 28, 2000, Augustine has an effective filing date of January 28, 2000 to the extent that the relevant material is disclosed in the priority patent application.

Accompanying this response is a Declaration under 35 U.S.C. 1.131 by each of the inventors of the above-identified patent application. The Declaration establishes the date of invention to be on or before May 12, 1998. Supporting evidence is also provided in the form of Exhibits. Accordingly, Augustine is removed as prior art. As each of the 35 U.S.C. 103(a) rejections depends on the

effectiveness of Augustine reference as prior art, these rejections should be withdrawn.

The claims are amended herein to correct a minor error in Claim 34. Although the cover sheet of the Office Action stated that Claim 1 was also objected to, no error was pointed out and found in Claim 1. However, a similar error was found in Claim 27, which is corrected herein by amendment.

Accordingly, reconsideration and allowance for the above-identified application are now respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 27<sup>th</sup> day of February, 2004.

Respectfully submitted,



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